



**UNITED STATES PATENT AND TRADEMARK OFFICE**

RAY  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,309	09/02/2003	Patrick Pak-Chiu Leung	CSCO-7568	4378
7590	06/19/2006		EXAMINER	
WAGNER, MURABITO & HAO LLP			BHATTACHARYA, SAM	
Third Floor			ART UNIT	PAPER NUMBER
Two North Market Street				
San Jose, CA 95113			2617	

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/654,309	LEUNG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sam Bhattacharya	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 March 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-40 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-40 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20060320</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 3/20/06 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the publication listed in the information disclosure statement is not identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Vallstrom et al. (US 20040192352).

Regarding claim 1, Vallstrom discloses a method for dynamic configuration of a mobile access point 10, the determining a position of the mobile access point based on a position determination system, identifying a region based on the position, and automatically updating configuration information associated with an application of the mobile access point based on the region. See FIG. 1 and paragraph [0050], lines 1-14.

Regarding claim 2, Vallstrom discloses that the mobile access point 10 is a router since the mobile access point routes signals among different servers. See FIG. 4.

Regarding claim 3, Vallstrom discloses that the mobile access point communicates by a wireless connection to a distributed computer network 33,34 in the region using mobile internet protocol (IP). See FIG. 2 and paragraph [0038], lines 1-22.

Regarding claim 4, Vallstrom discloses that the application operates at a physical layer of a protocol stack of the mobile access point, since signaling and binary transmission occurs at the physical layer.

Regarding claim 5, Vallstrom discloses that the application is a transceiver providing communication over a wireless connection 11. See FIG. 1.

Regarding claim 6, Vallstrom discloses that the configuration information includes a radio frequency, a maximum conducted power output, and a maximum antenna gain. See paragraph [0029], lines 1-9.

Regarding claim 7, Vallstrom discloses that the determining the position is performed periodically according to a predetermined time period. See paragraph [0029], lines 33-41.

Regarding claim 8, Vallstrom discloses that the position determination system is a global positioning system (GPS) system. See paragraph [0029], lines 33-37.

Regarding claim 9, Vallstrom discloses that the application operates at an application layer of a protocol stack of the mobile access point via application server 30. See paragraph [0030], lines 1-5.

Regarding claim 10, Vallstrom discloses that the configuration information is selected from a group consisting of: language, routing protocol, service provider, management protocol, telephone number, identification of entity for managing the mobile access point. See paragraph [0038], lines 1-22.

Regarding claim 11, Vallstrom discloses a mobile access point 10 including a processor 10A for updating configuration information in response to a geographic position; a transceiver 10B coupled to the processor, the transceiver associated with the configuration information and communicatively coupled to a distributed computer network 33,34 over a wireless connection 11; a memory unit 10G coupled to the processor, the memory unit including the configuration information associated with the transceiver for a plurality of regions; and a position determination system 10E coupled to the processor, the position determination system for identifying the geographic position of the mobile access point. See FIGS. 1 and 2, and paragraph [0050], lines 1-14.

Regarding claim 12, Vallstrom discloses that the mobile access point is operable to provide routing capability for routing data packets. See paragraph [0047], lines 1-14.

Claim 13 incorporates the limitations of claims 3 and 11, and is therefore rejected for the same reasons as claims 3 and 11.

Claim 14 incorporates the limitations of claims 6 and 11, and is therefore rejected for the same reasons as claims 6 and 11.

Claim 15 incorporates the limitations of claims 7 and 11, and is therefore rejected for the same reasons as claims 7 and 11.

Regarding claims 16 and 17, Vallstrom discloses that the memory unit 10G includes second configuration information of an application for a second plurality of regions, where the processor is operable to update the second configuration information in response to the geographic position. See paragraph [0039], lines 1-16.

Claim 18 incorporates the limitations of claims 8 and 11, and is therefore rejected for the same reasons as claims 8 and 11.

Claim 19 incorporates the limitations of claims 9 and 11, and is therefore rejected for the same reasons as claims 9 and 11.

Claim 20 incorporates the limitations of claims 10 and 11, and is therefore rejected for the same reasons as claims 10 and 11.

configuration information is selected from a group consisting of: language, routing protocol, service provider, management protocol, telephone number, identification of entity for managing the mobile access point.

Claims 21-30 correspond to claims 1-10, and are therefore rejected for the same reasons as claims 1-10.

Claims 31-40 correspond to claims 1-10, and are therefore rejected for the same reasons as claims 1-10.

***Response to Arguments***

4. Applicant's arguments filed on 3/20/06 have been fully considered but they are not persuasive.

Applicant states Vallstrom does not teach identifying a region based on the position, and automatically updating configuration information associated with an application of the mobile access point based on the region. Applicant further states Vallstrom does not teach a mobile access point that is operable to facilitate wireless communications between a distributed computer network and wireless client devices.

Examiner respectfully disagrees. Tracking device 10 in Vallstrom tracks coordinates of an attached vehicle based on the GPS position of the tracking device as it moves along a path. This path and position change (delta position) in effect constitutes a region that is identified. Moreover, associated configuration information is updated whenever lack of movement is detected. See paragraphs 10 and 29 for further details. Although Vallstrom teaches an embodiment where the tracking device goes into reduced power consumption mode upon detecting lack of movement, Examiner does not rely on this embodiment in rejecting the claims in the present application. In any event, the reduced power consumption mode has no effect on updating configuration information whenever lack of movement is detected.

The claims do not recite that the mobile access point is operable to facilitate wireless communications between a distributed computer network and wireless client devices. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Examiner suggests that Applicant amend the claims to recite this feature in order to accord it patentable weight.

*Conclusion*

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917. The examiner can normally be reached on Weekdays, 9-6, with first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sb

*George Eng*  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER